

## **EXHIBIT 2**

**[*PROPOSED*] ORDER GRANTING TRUSTEE'S  
MOTION *IN LIMINE* NUMBER 2  
TO LIMIT TESTIMONY OF J. EZRA MERKIN**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**[PROPOSED] ORDER GRANTING TRUSTEE'S MOTION *IN LIMINE* NUMBER 2  
TO LIMIT TESTIMONY OF J. EZRA MERKIN**

Upon consideration of the Notice of Trustee's Motions *In Limine* Numbers 1 through 4, Trustee's Motion *In Limine* and Memorandum of Law Number 2 to Exclude Limit Testimony of J. Ezra Merkin (the "Motion") dated April 7, 2017, ECF No. \_\_\_\_\_, filed by Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of Bernard L. Madoff

Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff ; the Declaration of Lan Hoang in Support of Trustee’s Motions *In Limine* Numbers 1 through 4 dated April 7, 2017, ECF No. \_\_\_\_; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on \_\_\_\_\_ (the “Hearing”); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the record in this case, **IT IS HEREBY:**

**ORDERED**, that J. Ezra Merkin shall not be permitted to offer testimony concerning the due diligence activities of third parties on BLMIS and Madoff, their opinions of BLMIS and Madoff, and conversations between J. Ezra Merkin and third parties concerning their due diligence activities and opinions of BLMIS and Madoff; and it is further

**ORDERED**, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE